

Remarks

1. Summary of Office Action

In the Office Action mailed January 25, 2006, the Examiner rejected claims 1, 3, 5-23, 25, 27, and 29 under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 6,119,014 (Alperovich et al.). The Examiner rejected claims 2, 4, and 26 under 35 U.S.C. §103(a) as being unpatentable over Alperovich et al. in view of U.S. Patent No. 6,725,460 (Nishiyama et al.). The Examiner rejected claims 24 and 28 under 35 U.S.C. §103(a) as being unpatentable over Alperovich et al. in view of U.S. Patent No. 5,848,397 (Marsh et al.).

2. Amendments and Pending Claims

Applicant has amended claims 1-4, 21-22, and 26, cancelled claims 27-29, and added new claims 30-33. Presently pending in this application are claims 1-26 and 30-33, of which claims 1, 3, and 21 are independent.

Applicant has amended the specification starting at page 17, line 19, to correct a typographical error. The specification originally indicated that a start time for an advertisement is 720 seconds after midnight, or 12:00 PM. However, 12:00 PM is 720 minutes (rather than 720 seconds) after midnight. The word "seconds" was replaced with the word "minutes."

3. Response to § 102 Rejections

The Examiner rejected claims 1, 3, 5-23, 25, 27, and 29 under 35 U.S.C. §102(e) as being anticipated by Alperovich et al. Under M.P.E.P. §2131, a claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference. Applicant has now amended independent claims 1, 3, and 21. As amended, claims 1, 3, and 21 clearly distinguish over Alperovich et al. because Alperovich fails to disclose or suggest all of the limitations of any of these claims.

In particular, with respect to amended claim 1, Alperovich et al. fails to disclose or suggest at least the elements of (i) dividing a control instruction into a plurality of segments (the control instruction containing a time-based schedule for presentation of a presentable message), and producing a plurality of Short Message Service (SMS) messages by a process comprising, for each segment, encoding the segment so as to produce a respective SMS message, or (ii) sending to the subscriber station, via a communications network, a presentable message and the plurality of SMS messages so as to allow the subscriber station to recover the segments and reassemble the segments into the control instruction, and so as to allow the subscriber station to then responsively present the presentable message according to a time-based schedule contained within the control instruction.

With respect to amended claim 3, Alperovich fails to disclose or suggest at least the elements of (i) dividing a first control instruction into a first plurality of segments, wherein the first control instruction includes a time-based schedule for presenting a presentable message, and producing a first plurality of Short Message Service (SMS) messages by a process comprising, for each segment of the first plurality of segments, encoding the segment so as to produce a respective SMS message of the first plurality of SMS messages, or (ii) sending to the subscriber station, via a communications network, the presentable message and the first plurality of SMS messages so as to allow the subscriber station to recover the first plurality of segments and reassemble the first plurality of segments into the first control instruction, and so as to allow the subscriber station to then responsively present the presentable message according to the schedule.

With respect to amended claim 21, Alperovich fails to disclose or suggest (i) receiving into the subscriber station, from a communications network, a presentable message and a first

plurality of Short Message Service (SMS) messages, wherein each SMS message of the first plurality of SMS messages includes a respective segment of a plurality of segments of a first control instruction, and wherein the first control instruction contains a schedule for presentation of the presentable message, or (ii) recovering, from the first plurality of SMS messages, each segment of the first control instruction and reassembling the recovered segments of the first control instruction into the first control instruction so as to recover the schedule.

Because Alperovich et al. does not disclose or suggest all of the elements of claims 1, 3, and 21, Alperovich et al. fails to anticipate these claims under §102. Further, because each of claims 5-20, 22, and 25, depend from either claim 3 or 21 and necessarily includes all of the limitations of either claim 3 or 21, Alperovich et al. necessarily fails to anticipate claims 5-20, 22, and 25 as well. Further still, Applicant has cancelled claims 27 and 29, and thus the Examiner's rejection of claims 27 and 29 is moot.

4. Response to §103 Rejections

a. Alperovich et al. and Nishiyama et al.

The Examiner rejected claims 2, 4, and 26 under 35 U.S.C. §103(a) as being unpatentable over Alperovich et al. in view of Nishiyama et al. The combination of Alperovich et al. and Nishiyama et al. does not disclose or suggest all of the limitations of amended claims 1, 3, and 21, nor does it disclose or suggest all of the limitations of dependent claims 2, 4, and 26. Alperovich et al. has been discussed above, and that discussion is applicable here.

Nishiyama et al. is silent as to limitations of claim 1 such as (i) dividing a control instruction into a plurality of segments (the control instruction containing a time-based schedule for presentation of a presentable message), and producing a plurality of Short Message Service (SMS) messages by a process comprising, for each segment, encoding the segment so as to

produce a respective SMS message, or (ii) sending to the subscriber station, via a communications network, a presentable message and the plurality of SMS messages so as to allow the subscriber station to recover the segments and reassemble the segments into the control instruction, and so as to allow the subscriber station to then responsively present the presentable message according to a time-based schedule contained within the control instruction.

Nishiyama et al. is silent as to limitations of claim 3 such as (i) dividing a first control instruction into a first plurality of segments, wherein the first control instruction includes a time-based schedule for presenting a presentable message, and producing a first plurality of Short Message Service (SMS) messages by a process comprising, for each segment of the first plurality of segments, encoding the segment so as to produce a respective SMS message of the first plurality of SMS messages, or (ii) sending to the subscriber station, via a communications network, the presentable message and the first plurality of SMS messages so as to allow the subscriber station to recover the first plurality of segments and reassemble the first plurality of segments into the first control instruction, and so as to allow the subscriber station to then responsively present the presentable message according to the schedule.

Nishiyama et al. is also silent as to limitations of claim 21 such as (i) receiving into the subscriber station, from a communications network, a presentable message and a first plurality of Short Message Service (SMS) messages, wherein each SMS message of the first plurality of SMS messages includes a respective segment of a plurality of segments of a first control instruction, and wherein the first control instruction contains a schedule for presentation of the presentable message, or (ii) recovering, from the first plurality of SMS messages, each segment of the first control instruction and reassembling the recovered segments of the first control instruction into the first control instruction so as to recover the schedule.

Because Nishiyama et al. does not cure the deficiencies of Alperovich et al, Applicant respectfully submits that the rejection of claims 2, 4, and 26 should be withdrawn.

b. Alperovich et al. and Marsh et al.

The Examiner rejected claims 24 and 28 under 35 U.S.C. §103(a) as being unpatentable over Alperovich et al. in view of Marsh et al. Applicant has cancelled claim 28. Applicant submits the rejection of claim 28 is moot.

The combination of Alperovich et al. and Marsh et al. does not disclose or suggest all of the limitations of amended claim 21, nor does it disclose or suggest all of the limitations of dependent claim 24. Alperovich et al. has been discussed above, and that discussion is applicable here. Marsh et al. is also silent as to (i) receiving into the subscriber station, from a communications network, a presentable message and a first plurality of Short Message Service (SMS) messages, wherein each SMS message of the first plurality of SMS messages includes a respective segment of a plurality of segments of a first control instruction, and wherein the first control instruction contains a schedule for presentation of the presentable message, or (ii) recovering, from the first plurality of SMS messages, each segment of the first control instruction and reassembling the recovered segments of the first control instruction into the first control instruction so as to recover the schedule. Because Marsh et al. does not cure the deficiencies of Alperovich et al., Applicant respectfully submits that the rejection of claim 24 should be withdrawn.

5. Conclusion

For the foregoing reasons, Applicants submit that claims 1-26 and 30-33 are in condition for allowance. Therefore, Applicants respectfully request favorable reconsideration and allowance of all of the claims.

Respectfully submitted,

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